



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

43416

Office of Hazardous Materials Operations [49 CFR Parts 172, 173, 174, and 176]

[Docket No. HM-143; Notice 76-11]

BLASTING AGENTS

Public Conference

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Public Conference.

SUMMARY: A Public Conference will be held on September 23, 1977, in Room 3201 of the Trans Point Building located at 2100 Second Street SW., Washington, D.C. The Conference will open at 9:30 a.m., and will be for the purpose of discussing the proposals in Docket HM-143; Notice 76-11. This will be an informal conference and not a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements.

DATES: Date of Conference September 23, 1977. Docket No. HM-143; Notice 76-11 will be reopened on September 16, 1977, and comments may be submitted through October 10, 1977. All comments should be addressed to the Section of Dockets at the following address.

ADDRESSES: Any person wishing to present oral or written statements at the Conference should notify the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590 (202-426-2077) prior to September 20, 1977.

SUPPLEMENTARY INFORMATION: On November 26, 1976, the Materials Transportation Bureau (MTB) published in Docket HM-143 a Notice of Proposed Rulemaking (41 FR 52083) which proposed the following amendments to Parts 172, 173, 174, and 176 of the Department's Hazardous Materials Regulations:

1. Remove the shipping name, Nitro Carbo Nitrate (NCN);

2. Add a new shipping name, Blasting Agent, n.o.s., and a new class, Blasting Agent;

3. Provide packagings for blasting agents; and

4. Provide a new label and a new placard for blasting agents.

On July 25, 1977, Monsanto Company petitioned MTB for an informal conference on blasting agents, in accordance with 49 CFR § 102.25. Monsanto objected to the proposed rule on the general ground that the proposal would create a new hazard class based not upon the intrinsic characteristics, kind, or degree of hazard presented by the material but upon the material's end use. In support of their petition for a public conference, Monsanto argued that NCN is an oxidizer with an excellent safety record and it was wrong in principle to include in a single class materials which differ greatly in the degree and kind of hazard simply because they may be used for the same purpose. Further, Monsanto believes if the facts were fully understood the proposal would be either dropped or modified to retain the oxidizer classification for NCN. Monsanto asserted that there is wide-spread opposition to the proposal and that a public conference could explore the objections of other interested parties in addition to permitting Monsanto to explain its position and answer questions from the Office of Hazardous Materials Operations.

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.

Issued in Washington, D.C., on August 24, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous
Materials Operations.

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